TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS
DATE: JUNE 19, 2006 CMR:264:06

SUBJECT: APPROVAL OF CONTRACT WITH THOMAS BARRON, A CONSULTING ENGINEER, IN THE AMOUNT OF $90,000 PER YEAR FOR INDUSTRIAL WASTEWATER DISCHARGE EVALUATIONS FOR THE REGIONAL WATER QUALITY CONTROL PLANT

RECOMMENDATION
Staff recommends that Council:

1. Approve and authorize the City Manager or his designee execute the attached contract with Thomas Barron in the amount of $90,000 for the first contract year for assistance in evaluating industrial wastewater discharges.

2. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with Thomas Barron for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed $13,000 for the first contract year.

3. Authorize the City Manager or his designee to exercise the option to renew the contract for the second and third years, provided the proposed cost of the renewal contract does not exceed the Consumer Price Index for all urban consumers (San Francisco - Oakland - San Jose, CA), the contractor is responsive to the City's needs, and the quality of the contractor's work is acceptable during the first and second years, respectively, of the contract.

4. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the second and third years of the contract for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed $13,000 in each year, provided the contract is renewed for those years. The most likely reasons why additional work would be required are implementation of EPA’s recently finalized pretreatment streamlining regulations and of new requirements for regulation of industrial facilities that are proposed in a cyanide Basin Plan amendment under consideration by the Regional Water Board.

DISCUSSION
Scope of Services Description
The scope of work to be performed under the contract is for engineering consultant services needed to assist Regional Water Quality Control Plant (RWQCP) staff in evaluating industrial
processes, practices, and sampling data to determine compliance status, investigate methods of reducing pollutant loadings, and conduct trend analyses. These tasks are part of a larger effort to reduce pollutants discharged to the RWQCP from industrial processes, and from commercial and residential sources. This source control work is needed to ensure that the treated wastewater, air emissions, reclaimed water, and incinerator ash from the Plant meet all regulatory requirements, and that pollutants are reduced to the maximum extent practicable. The draft scope of services was reviewed and approved during the Budget process. Please see Attachment B for the complete scope of services.

A RFP for the project was posted at City Hall and sent to nine consulting firms on March 20, 2006. The solicitation period was 22 days. Only one consultant, Thomas Barron, submitted a proposal. More responses were not received because of the highly specialized nature of the work, which requires technical knowledge about metal plating and printed circuit board shops, extensive experience in water pollution prevention, and familiarity with water treatment facility processes.

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<th>Summary of Solicitation Process</th>
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<tr>
<td>Proposal Description/Number</td>
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<td>Proposed Length of Project</td>
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An evaluation committee was not utilized because only one proposal was received. Thomas Barron’s proposal and his previous work under contract to the City of Palo Alto demonstrate that he is capable of successfully meeting the project requirements. Staff recommends that the contract be awarded to Thomas Barron. Staff, with the concurrence of the City Attorney, has determined that the firm is exempt from complying with the financial disclosure provisions of the City's conflict of interest code, because the firm's range of duties and services to be provided under the contract are limited in scope or are primarily ministerial in nature.

A contingency amount of $13,000 in each of the three years of the contract is requested. The most likely reasons why additional work would be required are implementation of EPA’s recently finalized pretreatment streamlining regulations and of new requirements for regulation of industrial facilities that are proposed in a cyanide Basin Plan amendment under consideration by the Regional Water Board.

**RESOURCE IMPACT**
 Funds are available in the fiscal year 2006-07 operating budget of the Regional Water Quality Control Plant to cover the current year contract and contingency amounts.

**ENVIRONMENTAL REVIEW**
 This contract approval does not constitute a project under the California Environmental Quality Act and no environmental review was required.
ATTACHMENTS
Attachment A: Contract
Attachment B: Scope of Services

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